

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health v.

Loretta Arnott, L.P.N.

Licensed Practical Nurse License No. 018490

9 Sycamore Road

Norwich CT 06360

CASE PETITION NO. 941011-11-043

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services ^{1/}(hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated November 8, 1994 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Loretta Arnott (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On November 10, 1994, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the licensed practical nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated November 10, 1994 scheduling a hearing for November 30, 1994 (Department Exhibit 1). The hearing took place on May 17, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

^{1/} Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. Conn. Pub. Acts No. 95-257

During the hearing the Department verbally amended the Statement of Charges by withdrawing Paragraphs 2c and 2d. (Hearing Transcript, May 17, 1995, p. 3)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact.

1. Loretta Arnott, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 018490 on December 10, 1979 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, May 17, 1995, p. 2)
3. During the hearing the Respondent presented a written answer to the Statement of Charges (Respondent's Exhibit A-I). The answer was verbally amended by withdrawing reference to Paragraphs 2c and 2d of the Statement of Charges. (Hearing Transcript, May 17, 1995, p.3)
4. Pursuant to a Consent Order dated October 23, 1985 the licensed practical nurse license of the Respondent was suspended for a period of two (2) years effective November 1, 1985. The suspension was ordered due to the Respondent's diversion and abuse of the controlled substances Demerol, Morphine and Levo-Dromoran while employed as a licensed practical nurse at Lawrence and Memorial Hospital, New London, Connecticut. (Department Exhibit 1-C) (Hearing Transcript, May 17, 1995, p. 27)

5. From on or about October 1990 until September 15, 1994 the Respondent was employed as a licensed practical nurse at New London Convalescent Home, Waterford, Connecticut.
(Department Exhibit 1-A11)
6. From on or about June 1993 and continuing to September, 1994, while working as a licensed practical nurse at New London Convalescent Home, the Respondent diverted for her own use the controlled substances Percocet and Tylenol with Codeine. (Department Exhibit 1-A11) (Hearing Transcript, May 17, 1995, pp. 35) (Answer: Respondent's Exhibit A-1)
7. Beginning on or about October 1993 the Respondent was employed as a licensed practical nurse at Hillcrest Health Care Center, Uncasville, Connecticut. (Department Exhibit 1-A11)
(Respondent's Exhibit A-6)
8. On one occasion while working as a licensed practical nurse at Hillcrest Health Care Center, the Respondent diverted for her own use the controlled substance Tylenol with Codeine.
(Department Exhibit 1-A11) (Answer: Respondent's Exhibit A-1)
9. While working as licensed practical nurse at New London Convalescent Home and Hillcrest Health Care Center, the Respondent falsified one or more controlled substance administration and/or receipt records. (Department Exhibit 1-A11) (Answer: Respondent's Exhibit A-1)
10. The Respondent abused and/or utilized to excess, the controlled substances she diverted from New London Convalescent Home and Hillcrest Health Care Center. (Department Exhibit 1-A11)
(Answer: Respondent's Exhibit A-1) (Hearing Transcript, May 17, 1995, p. 39)
11. From on or about September 20, 1994 to October 25, 1994 the Respondent underwent treatment for chemical dependency at Stonington Institute, North Stonington, Connecticut. The Respondent continues to receive individual therapy for chemical dependency and regularly participates in the support group Nurses for Nurses. (Respondent's Exhibit A-2, A-3, A-5) (Hearing Transcript, May 17, 1995, pp. 16-21)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Loretta Arnott held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

Paragraph 2 of the Statement of Charges, as amended, alleges that on or between approximately June 1993 and August 1994, while working as a licensed practical nurse at New London Convalescent Home, Waterford, Connecticut and Hillcrest Health Care Center, Uncasville, Connecticut, the Respondent:

- "a. diverted percocet (oxycodone) and/or tylenol #3 (acetaminophen with codeine) from facility stocks for her own use;
- b. falsified one or more controlled substance administration and/or receipt records...."

As to Paragraph 2a, the Respondent admits diverting Percocet and Tylenol #3 from New London Convalescent Home but admits diverting only Tylenol #3 from Hillcrest Health Care Center. The Respondent admits Paragraph 2b. (Answer: Respondent's Exhibit A-I)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admission, the Board concludes the Respondent diverted for her own use the controlled substances Percocet and Tylenol #3 from New London Convalescent Home and diverted the controlled substance Tylenol #3 from Hillcrest Health Care Center. In addition, the Board finds that the Respondent falsified one or more controlled substance administration and/or receipt records. The Board concludes the Respondent's conduct as specified in Paragraph 2a and 2b of the Statement of Charges, as amended, is proven and are violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut §19a-17.

Paragraph 3 of the Statement of Charges, as amended, alleges that while licensed as a licensed practical nurse in the State of Connecticut, the Respondent has abused and/or utilized to excess the controlled substances Percocet and/or Tylenol #3. The Respondent admits this charge. (Answer: Respondent's Exhibit A-1)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in Paragraph 3 of the Statement of Charges, as amended, is proven and is a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut §19a-17.

ORDER

Pursuant to its authority under Section 19a-17 and Section 20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That the **Summary Suspension** of the Respondent's licensed practical nurse license, No. 018490, ordered on November 10, 1994 is **vacated** on the effective date of this Memorandum of Decision.

2. That for Paragraphs 2 and 3 of the Statement of Charges, as amended, the Respondent's licensed practical nurse license, No. 018490, is placed on **probation** for a period of four (4) years.
3. That if any of the following conditions of probation are not met, the Respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer, within thirty (30) days of her employment date, as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment during the probation period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
 - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
 - D. During her first six (6) months of employment as a nurse during the probationary period, the Respondent shall not administer, count or have access to controlled substances or have responsibility of such activities in the course of nursing duties.
 - E. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor, if employed as a nurse, for the entire probationary period.

- F. The employer reports cited in Paragraph E above shall include an evaluation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph P below and shall commence with the report due on the first day of the month following employment as a nurse.

Should the Respondent's employment as a nurse be voluntary or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.

- G. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- H. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- I. The Respondent shall cause monthly therapy reports to be submitted to the Board by her therapist, commencing on October 1, 1995, for the entire probationary period.
- J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph P below.
- K. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing.

Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must be at least one random alcohol/drug screen monthly during the entire probationary period.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (Alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph P below, by the Respondent's therapist or personal physician or the testing laboratory. Reports of said random alcohol/drug screens are due monthly commencing with the report due on October 1, 1995.

- L. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs.

- M. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substances containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- P. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health
150 Washington Street
Hartford CT 06106

- 3. That any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)

4. That this Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's licensed practical nurse license shall commence, on September 1, 1995.

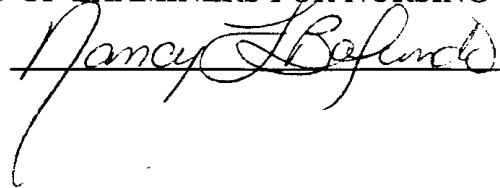
The Board of Examiners for Nursing hereby informs the Respondent, Loretta Arnott, and the Department of Public Health of the State of Connecticut of this decision.

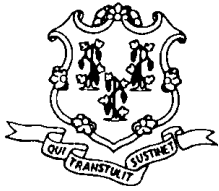
Dated at Hartford, Connecticut this 31st day of August, 1995.

BOARD OF EXAMINERS FOR NURSING

1287Q

By





STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 27, 1999

Loretta Arnott, LPN
9 Sycamore Road
Norwich, CT 06360

Re: Memorandum of Decision
Petition No. 941011-11-043
License No. 018490
[REDACTED]

Dear Ms. Arnott:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 9/1/99.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Thank you for your cooperation during this process.

Very truly yours,

A handwritten signature in cursive script, reading "Bonnie Pinkerton".

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer